

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kelly Guillon	Team: Squad #2	CCRB Case #: 202201598	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/08/2022 7:45 AM	Location of Incident: Cypress Hills Street and Jamaica Avenue	Precinct: 75	18 Mo. SOL 9/8/2023	EO SOL 9/8/2023	
Date/Time CV Reported Tue, 03/08/2022 7:55 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/14/2022 6:19 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Anthony Wright	04255	935991	104 PCT
2. PO Angelo Reyes	19629	963227	104 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Vahan Bayizian	14039	960218	104 PCT
2. PO Gregory Montalbano	16254	957866	104 PCT
3. PO Paul Lenoci	09795	967574	104 PCT
4. PO Nakisha Bogle	25590	962263	104 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Anthony Wright	Abuse: Detective Anthony Wright stopped the vehicle in which § 87(2)(b) was an occupant.	
B.PO Angelo Reyes	Abuse: Police Officer Angelo Reyes searched § 87(2)(b) s bag.	

Case Summary

On March 8th, 2022, § 87(2)(b) filed this complaint with the Internal Affairs Bureau (IAB) via telephone. IAB referred the case to the CCRB, and it was received on March 14th, 2022 (**BR 01**). This case was initially assigned to Inv. Latrice Frazier. It was reassigned to Inv. Keymani Dunkley on May 9th, 2022, and then to Inv. Kelly Guillon on October 5th, 2022.

On March 8th, 2022, at approximately 7:45 AM, § 87(2)(b) was driving at Cypress Hills Street and Jamaica Avenue in Queens when Detective Anthony Wright of the 104th Precinct stopped her vehicle (**Allegation A: Abuse of Authority – Vehicle Stop, § 87(2)(g)**). Detective Wright instructed § 87(2)(b) to exit her vehicle; however, she refused and more officers from the 104th Precinct, including Police Officer Angelo Reyes arrived at the scene. § 87(2)(b) gave Police Officer Reyes her bag and Police Officer Reyes searched § 87(2)(b)'s bag and retrieved an allegedly stolen item (**Allegation B: Abuse of Authority – Search of Person, § 87(2)(g)**). § 87(2)(b) was then arrested for § 87(2)(b) (BR 13).

Body-worn camera (BWC) footage from Detective Wright and Police Officers Reyes, Vahan Bayizian, Gregory Montalbano, Paul Lenoci and Nakisha Bogle of the 104th Precinct were received (BR 02). These videos are summarized in IA #67 (BR 03).

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Anthony Wright stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Police Officer Angelo Reyes searched § 87(2)(b)'s bag.

§ 87(2)(b) was interviewed by the CCRB on March 30th, 2022 (BR 04).

§ 87(2)(b) stated that, prior to interacting with police officers, she had been at a nearby gas station, where she had purchased two plastic ashtrays. § 87(2)(b) then asked for a refund and an employee told her that their establishment did not provide refunds. § 87(2)(b) smashed the ashtray section of the store, knocking items onto the floor, and an additional ashtray fell inside of her bag. § 87(2)(b) then left the store and drove away. When she reached Cypress Hills Street and Jamaica Avenue § 87(2)(b)'s vehicle was stopped by Detective Wright. Detective Wright approached her vehicle and instructed her to open her driver's side door. § 87(2)(b) refused to open the door. Three more officers then arrived at the scene and Police Officer Reyes explained to § 87(2)(b) that her vehicle was stopped because she was accused of stealing. § 87(2)(b) gave Police Officer Reyes her bag and Police Officer Reyes searched inside the bag. Police Officer Reyes then pulled out the additional ashtray and showed it to the other officers at the scene. § 87(2)(b) was arrested and escorted to the 104th Precinct stationhouse.

As per EVENT # § 87(2)(b) (BR 12), at 7:37 p.m., a male caller who provided his name as § 87(2)(b) called 911 and reported that a Hispanic female had stolen an item from a store and fled in a blue Honda Pilot or CRV with New York license plate # § 87(2)(b).

In Detective Wright's BWC footage (BR 05), at runtime 03:20, Detective Wright is operating his police vehicle as an employee of the gas station store is sitting in the rear passenger seat. Police Officer Montalbano shows Detective Wright a photograph that the employee took of § 87(2)(b)'s license plate number. At 07:00 runtime, Detective Wright spots a vehicle that matches

the license plate number of the photograph. Detective Wright sounds his police siren and stops § 87(2)(b)'s vehicle. The store employee confirms that § 87(2)(b) is the individual who stole the ashtray. Once the employee confirms that § 87(2)(b) is the alleged culprit, Detective Wright and Police Officer Montalbano exit their vehicle and approach § 87(2)(b) instructing her to exit her vehicle.

In Police Officer Reyes' BWC Footage (**BR 06**), at runtime 20:15, Police Officer Reyes and Police Officer Bayizian explain to § 87(2)(b) that she is under arrest and instruct her to exit her vehicle. Police Officer Reyes tells § 87(2)(b) that an employee of the gas station store alleged that there is a stolen ashtray in her bag. § 87(2)(b) replies, "Can I grab it to give it to you? I'll give you the whole bag." § 87(2)(b) then gives Police Officer Reyes her bag and he searches inside the bag and retrieves the ashtray.

Officers may stop a vehicle on the basis of a reasonable suspicion that the driver or occupants of the vehicle have committed a crime. People v. Taylor, 31 A.D.3d 1141 (2006) (**BR 10**).

Officers may search a bag if they have probable cause, defined as "the body of information available to a police officer 'which would lead a reasonable person who possesses the same expertise as the officer to conclude, under the circumstances, that a crime is being or was committed'," to believe that it contains contraband or evidence of a crime. People v. Graham, 211 A.D.2d 55 (1995) (**BR 11**).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 07**).
- Detective Wright has been a member of service for 18 years and has been a subject in 25 other CCRB complaints and 50 other allegations, six of which were substantiated in four cases.
 - 201305640 involved substantiated allegations of Stop and Vehicle search against Detective Wright. The Board recommended Command Discipline A, which the NYPD imposed.
 - 201311116 involved a substantiated Vehicle Search allegation against Detective Wright. The Board recommended charges, he was found guilty in an APU trial, and forfeited 2 vacation days.
 - 201404953 involved a substantiated Vehicle Stop allegation against Detective Wright. The Board recommended charges, he was found guilty in an APU trial, and forfeited 3 vacation days.

